

ORIGINAL

FILED  
U.S. DIST. COURT  
AUGUSTA DIV.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

MAY 29 8 57 AM '98

CLERK C. Kellan  
SO. DIST. OF GA.

HERBERT E. BRETT, DAVID HANNAH,  
WAYNE D. HATTAWAY, and  
JERRY HUDSON,

Plaintiffs,

v.

JEFFERSON COUNTY, GEORGIA,  
and CHARLES GARY HUTCHINS,  
individually and in his official  
capacity as SHERIFF,  
JEFFERSON COUNTY,

Defendants.

Civil Action  
No.1:93-144

MOTION FOR ATTORNEY'S FEES

NOW COMES, John P. Batson who hereby moves this court for attorney's fees pursuant to 42 U.S.C. § 1988, and hereby adopts the motions, supporting affidavits, and briefs otherwise filed on Plaintiff's behalf.

Respectfully submitted this 29<sup>th</sup> day of May, 1998.

John P. Batson  
John P. Batson  
Ga. Bar No. 042150  
Attorney for Plaintiff

Prepared by:

John P. Batson  
303 Tenth Street  
P.O. Box 3248  
Augusta, Georgia 30914-3248

(706) 737-4040

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FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

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Defendants.

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DECLARATION OF JOHN P. BATSON

Personally appeared the undersigned, JOHN P. BATSON, who with knowledge of the penalties for perjury states that the following facts are true of his own personal knowledge.

1. My name is John P. Batson and my signature is below.
2. I was local counsel in the above captioned action.
3. That attached hereto are my time sheets for work on the case, which reflect an application of reasonable billing judgment.
4. I am admitted in the U.S. Supreme Court, the Eleventh Circuit, the federal district courts in Georgia, the Fourth Circuit, the state courts of Georgia, and I am currently on inactive status in Pennsylvania.
5. I have been a member for the State Bar of Georgia since 1979, and was admitted to the Bar of the Commonwealth of Pennsylvania four or five years later, where I believe I was active for a couple of years.

6. That I graduated from the University of Colorado in 1973.
7. That I was a VISTA volunteer, and I worked for Evergreen Legal Services as a paralegal during 1974-1975.
8. That I was in the U.S. Air Force Guard and Reserve from 1963-1975.
9. I attended Antioch School of Law, in Washington, D.C., then associated with Antioch University of Ohio, and graduated in 1978.
10. During the summer, after my second year, I clerked for The Hon. William B. Bryant, Chief Judge, District Court, D.C. Circuit.
11. During my last year in school, I clerked in the Civil Division, Frauds Section, of the Department of Justice.
12. That upon graduation I clerked for The Hon. Anthony A. Alaimo, Chief Judge, S.D.Ga.
13. I took the Bar in 1979 and began private practice in Augusta.
14. For a several years I was in partnership, but I have been solo for over a decade.
15. My practice has always emphasized civil and constitutional rights, having litigated the following kinds of cases: excessive force, medical indifference, due process, first amendment void for vagueness, whistle-blower, political association, and employment.
16. I have been an instructor and presented papers at several statewide CLE seminars on § 1983 litigation.


17. Being a solo practitioner, when approached about this case, I recognized that I could not dedicate the time it would take to do this case right, because I believed it would last over a period more protracted than I could handle.

18. In my opinion Ms. Borowski and Ms. Gideon, with the aid, comfort and sacrifice of their firm, conducted this complicated case with a high degree of understanding and long-term zeal which is to be admired.

19. I have handled important precedent setting cases on appeal, in both federal and state courts.

20. That I am seeking attorneys fees in the amount of \$175 per hour.

Executed this 29<sup>th</sup> day of May, 1998.

  
\_\_\_\_\_  
John P. Batson  
Ga. Bar No. 042150

Prepared by:

John P. Batson  
303 Tenth Street  
P.O. Box 3248  
Augusta, GA 30914-3248

(706) 737-4040

**DRAFT OF TIME AND EXPENSES**

NAME: BRETT  
CASE NO: CV 193-144

| <u>DATE</u>       | <u>ACTIVITY</u>  | <u>HOURS</u> |
|-------------------|--|--------------|
| <u>1993</u>       |  |              |
| 08/25/93          | Sign document, file with Court,<br>file and return copies to MB                        | 0.60         |
| 08/30/93          | Letter to MB re: signing doc.  | 0.16         |
| 09/00/93          | Sign Consent Order extending Time  | 0.05         |
| 09/11/93          | Read and file <i>pro hac</i> motion<br>by G. Lord                                      | 0.05         |
| 09/15/93          | Cut out article from newspaper<br>fax to MB  | 0.10         |
| 09/17/93          | Read and file Consent Motion<br>for Extension of Time                                  | 0.05         |
| 09/17/93          | Read and file Court's Order on<br><i>pro hac</i>                                       | 0.05         |
| 09/27/93          | Read and file scheduling   | 0.05         |
| 09/27/93          | Read and file Defendants' Answer<br>Answer to Local Rogs, CIP<br>from Allison          | 0.05         |
| 10/07/93          | Read, sign and file Motion for<br>Enlargement to respond to<br>Motions from Defendants | 0.05         |
| 10/10/93          | Read and file O'Quinn<br>Notice of Appearance  | 0.05         |
| 10/21/93          | Received fax from O'Quinn<br>re: health insurance                                      | <u>0.10</u>  |
| Subtotal Page One |  | <u>1.36</u>  |

**DRAFT OF TIME AND EXPENSES**

NAME: BRETT  
CASE NO: CV 193-144

| <u>DATE</u>        | <u>ACTIVITY</u>  | <u>HOURS</u>       |
|--------------------|--|--------------------|
| 10/29/93           | Sign and file Plaintiffs' response to Defendants' Motion to Dismiss, to Strike, to Stay and Submit Discovery             | 0.50               |
| 11/27/93           | Read and file Plaintiffs' first Rogs, to Request for Admission, Request for documents, to Defendants Hutchins and county | 0.05               |
| <b><u>1994</u></b> |  |                    |
| 01/07/94           | Read and file Consent Motion to Enlarge Discovery  | 0.05               |
| 01/10/94           | Read and file Consent Order  | 0.05               |
| 01/14/94           | Read and file Defendant Hutch Supplement Answer and Plaintiffs' first Rogs   | 0.05               |
| 01/14/94           | Read and file Consent Order Enlarging time to respond to Defendants' first Request for Production of Documents           | 0.05               |
| 01/15/94           | Read and file withdrawal Motion of Burnside, Wall etc.   | 0.05               |
| 01/21/94           | Read and file Plaintiffs' response to Discovery  | 0.05               |
| 01/23/94           | Read and file Defendant Hutch's Answer to Plaintiffs' second Rogs and to Plaintiffs' second Document Request             | 0.05               |
| 02/06/94           | Read and file withdrawal order of Burnside, Wall etc.  | 0.05               |
| <b>Subtotal</b>    | <b>Page Two</b>  | <b><u>0.45</u></b> |

**DRAFT OF TIME AND EXPENSES**

NAME: BRETT  
CASE NO: CV 193-144

| <u>DATE</u>                | <u>ACTIVITY</u>  | <u>HOURS</u>       |
|----------------------------|--|--------------------|
| 02/11/94                   | Read and file Plaintiffs' third Request for Documents to Hutch                             | 0.05               |
| 02/11/94                   | Read and file Consent Protective Order   | 0.05               |
| 02/19/94                   | Read letter from Georgia Lord re: withdrawal from case                                     | 0.10               |
| 03/09/94                   | Read and file Deposition Notice To Dr. Field   | 0.05               |
| 03/11/94                   | Read and file Deposition Notice to Dr. Vaughor   | 0.05               |
| 03/18/94                   | Read and file Discovery Order  | 0.05               |
| 03/21/94                   | Read and file Defendant Hutch's Supplement Argument to Plaintiffs' Document Request Answer | 0.05               |
| 04/02/94                   | Read and file Protective Order   | 0.05               |
| 04/08/94                   | Read and file Deposition Notice  | 0.05               |
| 04/19/94                   | Read Defendant Hutch second Supplement Answers to Plaintiffs' third Request for Documents  | 0.05               |
| 04/24/94                   | Read and file Plaintiffs' second Request for Documents                                     | 0.05               |
| 05/04/94                   | Read and file Defendants' Answer to second Request for Documents                           | 0.05               |
| <b>Subtotal Page Three</b> |  | <b><u>0.65</u></b> |

**TIME AND EXPENSES**

NAME:                   BRETT  
CASE NO:                CV 193-144

| <u>DATE</u>               | <u>ACTIVITY</u>  | <u>HOURS</u>       |
|---------------------------|--|--------------------|
| 05/20/94                  | Read Plaintiffs' Supplement<br>Rog Answers   | 0.05               |
| 06/04/94                  | Read Supplement Rog Answer<br>Hathaway and Hudson  | 0.05               |
| 06/10/94                  | Read Order   | 0.05               |
| 07/02/94                  | Read Defendants' Motion for SJ,<br>Facts and Brief   | 0.16               |
| 07/05/94                  | Read Notice of SJ Response due   | 0.05               |
| 07/06/94                  | Read letter and check with M&M<br>re: deposition   | 0.10               |
| 08/01/94                  | Read letter and filing from<br>Uregan re: filing in opposition<br>to SJ                          | 0.16               |
| 08/20/94                  | Read Defendants' Reply Brief   | 0.16               |
| 11/07/94                  | Review Defendants' responses to<br>Admissions, Rogs, Objections,<br>Document Request, Affidavits | 0.05               |
| 11/13/94                  | Read and file first of Rogs to<br>Plaintiffs' Document Request                                   | 0.05               |
| <b><u>1995</u></b>        |  |                    |
| 03/10/95                  | Read, sign and file Plaintiffs'<br>Response to Defendants' Supplement<br>SJ Brief                | 0.50               |
| 04/04/95                  | Read Court Order   | 0.10               |
| <b><u>1996</u></b>        |  |                    |
| 04/04/96                  | Read District Court's Order  | 0.16               |
| <b>Subtotal Page Four</b> |  | <b><u>1.64</u></b> |



|          |                           |      |
|----------|---------------------------|------|
| 05/01/96 | Received Notice of Appeal | 0.05 |
| 08/10/96 | Read Appellant brief      | 0.25 |

**1997**

|          |  |      |
|----------|--|------|
| 02/26/97 | Conference with M&M at Argument  | 0.16 |
| 10/06/97 | Read Order of 11 <sup>th</sup> Circuit   | 0.05 |
| 10/28/97 | Read and file order of Motion<br>Enlargement Plaintiffs' Time<br>re: Defendants's Motion | 0.05 |
| 11/14/97 | Read and file Order re: Appeal   | 0.05 |

**1998**

|          |  |      |
|----------|--|------|
| 02/28/98 | Read Order from Court  | 0.05 |
| 04/06/98 | Read Order from Court  | 0.05 |
| 04/07/98 | Read Notice of Pre trial Conference  | 0.05 |
| 04/13/98 | Receive and read letter from Marcia  | 0.05 |
| 04/22/98 | Gordy calls and wants to know<br>how he pertains to the case.<br>I tell him to call Megana Marcia. | 0.10 |
| 04/23/98 | TCF(912) 625-7687 Mr. Zolly Comton   | 0.10 |
| 04/23/98 | TCF Ted Shelman (912) 364-6502   | 0.10 |
| 05/03/98 | Conference with Marcia re: advantages/<br>disadvantages of dismissals                              | 0.16 |
| 05/28/98 | Prepare Time sheet, Declaration<br>and Notice of filing  | 1.00 |

|                           |                    |
|---------------------------|--------------------|
| <b>Subtotal Page Five</b> | <b><u>2.27</u></b> |
|---------------------------|--------------------|

|              |                    |
|--------------|--------------------|
| <b>Total</b> | <b><u>6.37</u></b> |
|--------------|--------------------|

**CERTIFICATE OF SERVICE**

This is to certify that the undersigned attorney did this date serve a copy of the within and foregoing Brief of Appellant upon all counsel of record by one or more of the following method(s):


- ☒ Depositing the same in a properly addressed envelope with adequate postage thereon to the following address(es):

Mr. Michael O'Quinn  
Barnhart, O'Quinn & Williams  
One Georgia Center  
Suite 2450  
600 W. Peachtree St., N.W.  
Atlanta, Georgia 30308

Ms. Megan Gideon  
Ms. Marsha Borowski  
Stanford, Fagan & Giolito  
1401 Peachtree St., N.E.  
Suite 238  
Atlanta, Georgia 30309

- ☐ Delivering a copy to counsel by hand to the following address(es):
- ☐ Faxing a copy of the same to the following Fax No(s):

This 29<sup>th</sup> day of May, 1998.

  
\_\_\_\_\_  
John P. Batson  
Ga. Bar No. 042150  
Attorney for Plaintiff

Prepared by:

John P. Batson  
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